

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

Juan Vasquez Martinez and)	
Alfonso Perez Alcaarez, On)	
behalf of themselves and all)	
Others similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	No. 13-2723
)	
JCS International, LLC, Bi-Lo)	
International, Inc. and James)	
H. Lee, an individual)	
)	
Defendants.)	

ORDER

Before the Court are Defendants JCS International, LLC, Bi-Lo International, Inc., and James H. Lee's (collectively, the "Defendants") February 24, 2014 Motion to Dismiss and the Magistrate Judge's May 9, 2014 Report and Recommendation (the "Report"). (Mot. Dismiss, ECF No. 27; Report, ECF No. 29.) Plaintiffs Juan Vasquez Martinez and Alfonso Perez Alcaarez (collectively the "Plaintiffs") have not objected to the Magistrate Judge's Report and the time for doing so has passed. See 28 U.S.C. § 636(b)(1)(C) ("Within fourteen days after being served with a copy [of the Magistrate Judge's Report], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court."). The

Magistrate Judge recommends that the Court dismiss Plaintiffs' Complaint with prejudice for failure to prosecute. For the following reasons, the Court ADOPTS the Report of the Magistrate Judge. Defendants' Motion to Dismiss is GRANTED.

Congress intended 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. See United States v. Curtis, 237 F.3d 598, 602 (6th Cir. 2001) (citing Gomez v. United States, 490 U.S. 858, 869-70 (1989)); see also Baker v. Peterson, 67 F. App'x 308, 310 (6th Cir. 2003). "A district judge must determine de novo any part of a magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C). "'Only those specific objections to the magistrate's report . . . will be preserved for [] review.'" Carson v. Hudson, 421 F. App'x 560, 563 (6th Cir. 2011) (quoting Souter v. Jones, 395 F.3d 577, 585 (6th Cir. 2005)); see also Smith v. Detroit Fed'n of Teachers, Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987).

After reviewing the evidence, the court is free to accept, reject, or modify the proposed findings or recommendations of the magistrate judge. 28 U.S.C. § 636(b)(1)(C). The district court is not required to review—under a de novo or any other standard—those aspects of the report and recommendation to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985).

The district court should adopt the findings and rulings of the magistrate judge to which no specific objection is filed. Id. at 151.

Plaintiffs have not objected to the Magistrate Judge's Report. The deadline for objecting, which was explicitly referenced in the Report, has passed. Because Plaintiffs have failed to object, Arn counsels the Court to adopt the Report in its entirety. Id. Adopting the Report is consistent with the policies underlying § 636, specifically judicial economy and protecting against the "functions of the district court [being] effectively duplicated as both the magistrate and the district court perform identical tasks." Howard v. Sec'y of Health & Human Servs., 932 F.2d 505, 509 (6th Cir. 1991).

The Magistrate Judge's Report is ADOPTED. Defendants' Motion to Dismiss is GRANTED. Plaintiffs' Complaint is DISMISSED with prejudice.

So ordered this 27th day of May, 2014.

/s/ Samuel H. Mays, Jr. _____
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE